IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:19 CV 156

| KEPHART CONSTRUCTION COMPANY, MARK KEPHART |) |
|--------------------------------------------------------|-------------------|
| Plaintiffs, |))) ORDER |
| v. |) |
| RONALD ACKELY, UNITED STATES DEPARTMENT OF VETERANS |)) |
| AFFAIRS, |) |
| Defendants. |))) |

This matter is before the Court following the filing of "Department of Veterans Affairs' Motion to Dismiss Complaint Pursuant to Fed. R. Civ. P. 12(b)(6)" (Doc. 4) and supporting brief (Doc. 5).

The Court ADVISES Kephart Construction Company and Mark Kephart, who appear *pro se* in this matter, that Defendant United States Department of Veterans Affairs has filed a Motion to Dismiss which asks the Court to dismiss Plaintiffs' Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Plaintiffs are advised to review the Motion to Dismiss and supporting brief (Docs. 4,5) carefully. Plaintiffs are further advised that if a response to the Motion to Dismiss is not submitted by the date stated below, the Court may proceed to consider the Motion to Dismiss without hearing from

them.

In the Court's discretion, Plaintiffs' deadline for filing a response to Defendant United States Department of Veterans Affairs' Motion to Dismiss is hereby **EXTENDED** to and including **September 2, 2019**.

Plaintiff Kephart Construction Company is **FURTHER ADVISED** that to the extent Kephart Construction Company seeks to appear as a party, it must be represented by counsel, as noted in this Court's Order dated May 22, 2019. (Doc. 3) at 1-2, and that failure to obtain counsel may result in the dismissal of its claims.

Signed: August 21, 2019

W. Carleton Metcalf

United States Magistrate Judge